IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29315 of 2007(M)

PETITIONER:

MANAGER,
ST. JOSEPH'S COLLEGE, MOOLAMATTOM.

BY ADV. SRI.BABY ISSAC ILLICKAL

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

3. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM.

5. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, KOTTAYAM.

6. SAJAN JOSE K.,
LECTURER, ZOOLOGY, THEKKEDATH HOUSE,
KANJAR P.O., IDUKKI DISTRICT.

7. PRAMOD JOSEPH,
LECTURER, ECONOMICS, KANATT, MUNDANKAL P.O.,PALA.

R1 TO R4 BY GOVT. PLEADER SRI.A.J.VARGHESE.
R5 BY STANDING COUNSEL SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) No. 29315 of 2007 - M

Dated this the 4th day of October, 2007

J U D G M E N T

The petitioner is the Manager of an aided college. He seeks the following reliefs in this writ petition:-

> "i. issue a writ of Mandamus or any other writ or order directing the respondents 1-4 to take immediate and urgent steps to shift the respondents 6 & 7 from the petitioner's institution;
>
> ii. issue a writ of Mandamus or any other writ or order directing the respondents 1-5 to discharge their duties under Statute 8 of Chapter 6 and Statute 16 of Chapter 45 of the Mahatma Gandhi University Statutes, 1997 pertaining to the petitioner's College;
>
> iii. grant such other relief as this Hon'ble Court deem fit and proper in the facts and circumstances of the case."

Admittedly, sixth and seventh respondents have been appointed in the petitioner's college by the petitioner himself. If he has got a case that they are excess teachers

liable to be retrenched, it is for the petitioner to take urgent steps for retrenching them. The role of the University and the Government comes only when the petitio5ner takes any action. In any event, in respect of the sixth respondent, he has obtained a stay of his deployment in W.P(C) No.15415 of 2005. In the above circumstances, I am of opinion that the writ petition is misconceived and accordingly, the same is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J.

O.P.NO. OF 2001

J U D G M E N T

DATED: -0-2007